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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1970

NO. 113

HONORABLE BERNARD M. DECKER,
UNITED STATES DISTRICT JUDGE, ET AL.,
Petitioners

vs.

HARPER & ROW, PUBLISHERS, INC., ET AL.,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

MOTION OF THE STATE BAR OF TEXAS FOR LEAVE TO JOIN IN THE BRIEF OF THE AMERICAN BAR ASSOCIATION AS AMICUS CURIAE

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The State Bar of Texas (the State Bar) respectfully moves for leave to join the brief of the American Bar Association as *amicus curiae*. Respondents and *amicus curiae* have consented to the addition; the consent of the Petitioners was requested but has been denied.

The State Bar is the administrative agency of the Judicial Department of the State. *The State Bar Act*, Article 320a-1, Vernon's Civil Statutes of the State of Texas, Annotated. Section 1, Article III, Rules Governing the State Bar of Texas, reads as follows:

> "Section 1. Purposes
>
> The purposes of the State Bar shall be the advancement of the administration of justice and the science of jurisprudence; the encouragement of cordial intercourse among its members; the improvement of the relations between the Bench and the Bar and the public; and the protection of the professional interest of the members of the State Bar." page 207 1A Tex.Civ.St.

All persons practicing law within the State of Texas are required by law to be members of the State Bar. Its membership consists of slightly less than 20,000 attorneys.

The State Bar feels that the issues presented in this cause are vital to its members and the administration of justice. Adoption of the "control group test" as the standard for federal courts would not be in the best interests of the administration of justice and therefore the public. The State Bar is officially in agreement with the position expressed in the brief of the American Bar Association as *amicus curiae*, and would respectfully join with the American Bar in its brief.

Wherefore, the State Bar of Texas prays that it be granted leave to join in the brief of the American Bar Association as *amicus curiae.*

Respectfully Submitted,

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